

Rec'd PTO 10 MAY 2002



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DOCKET: 216272US-6X PCT
ENKEL 8634

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MATS LEIJON ET AL : EXAMINER: UNASSIGNED
SERIAL NO: 09/926,608 :
FILED: NOVEMBER 26, 2001 : GROUP ART UNIT: UNASSIGNED
FOR: A WIND POWER PLANT AND :
A METHOD FOR CONTROL

RESPONSE TO COMMUNICATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Communication mailed April 23, 2002 (copy enclosed) regarding the above-identified patent application, Applicants hereby submit copies of the Notification of Missing Requirements under 35 U.S.C. 371, the executed Declaration, and Power of Attorney for Patent Application, the Response to Notice of Missing Requirements under 35 USC 371 and a copy of the date-stamped Filing Receipt indicating the filing of the above-mentioned documents on March 8, 2002. Therefore, it is believed that all necessary documents have been filed in the above-identified patent application in response to the Notification of Missing Requirements.

Regarding the Petition for Suspension of Action under 37 CFR 1.103(a) and Request for a Second Suspension of Action under 37 CFR 1.103(a), Pursuant to MPEP 1002.02(c)9 filed March 20, 2002, it is respectfully requested that prosecution in the above-identified patent application be suspended for a period of six months under 37 C.F.R. § 1.103(a). Applicants also request a second suspension of time for an additional six months, pursuant to MPEP § 1002.02(c)9, for a total of twelve months, beginning with the filing of the subject

Petition.

If the United States Patent and Trademark Office requires additional information,
please contact the undersigned at (703) 413-3000.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Thomas J. Fisher
Registration No. 44,681



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(703) 413-3000
Fax #: (703)413-2220

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UNITED STATES PATENT AND TRADEMARK OFFICE

APR 23 2002

EJM

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

My 29/04
Oblon, Spivak, McClelland, Maier & Neustadt, PC
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

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Reg'd PTO Comm 575a

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APR 29 2002

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

COMMUNICATION

In re Application of LEIJON et al
U.S. Application No.: 09/926,608
Int. Application No.: PCT/SE99/00944
Int. Filing Date: 28 May 1999
Priority Date: none
Attorney Docket No.: 216272US
For: A WIND POWER PLANT AND A METHOD
FOR CONTROL

This is in response to applicant's "Petition for Suspension of Action Under 37 C.F.R. §1.103(a) and Request for a Second Suspension of Action Under 37 C.F.R. §1.103(a), Pursuant to MPEP §1002.02(c)9" filed 20 March 2002.

BACKGROUND

On 28 May 1999, applicant filed international application PCT/SE99/00944. A copy of the international application was communicated to the USPTO from the International Bureau on 07 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 November 2001.

On 26 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 March 2002, applicant filed the present petition and request.

DISCUSSION

MPEP 709 states in relevant part,

Suspension of action (37 CFR 1.103) should not be confused with extension of time for reply (37 CFR 1.136). It is to be noted that a suspension of action applies to an impending Office action by the examiner whereas an extension of time for reply applies to action by the applicant. In other words, the action cannot be suspended in an application which contains an outstanding Office action or requirement awaiting reply by the applicant. It is only the action by the examiner which can be suspended under 37 CFR 1.103. (Emphasis added).

In the present case, applicant has not submitted a proper response to the Notification of Missing Requirements mailed 15 January 2002.

CONCLUSION

For the reasons above, a decision on the present petition and request by the appropriate Technology Center will be held in abeyance until the filing of a proper response to the Notification of Missing Requirements mailed 15 January 2002.

Failure to respond to the Notification of Missing Requirements within the time period set therein will result in abandonment of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

COPY

O.S.&M. File No. 216272US By GJM/kty/FF

Due date 03/15/02 Serial No. 09/926,608

In the Matter of the Application of: Mats LEIJON, et al

For A WIND POWER PLANT AND A METHOD FOR CONTROL

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ___ pgs. Specification, ___ Claims (English Translation)
- Response to Notice of Missing Requirement Under 35 U.S.C. 371
- Combined Declaration, Petition & Power of Attorney (3 pages)
- Copy of Notification of Missing Requirements
- Preliminary Amendment
- Petition for Extension of Time
- Check for \$____; Dep. Acct. Order Form
- Verified Statement (Declaration) Claiming Small Entity Status
- Submission of Verified Statement (Dec.) Claiming Small Entity Status
- Declaration of _____
- Letter Requesting Approval of Drawing Changes
- Drawings ___ sheets
- List of Related Cases
- Information Disclosure Statement; PTO-1449
- Cited References ()
- _____ Search Report
- Statement of Relevancy

Rec'd PCT/PTO 08 MAR 2002
DATE RECEIVED

COPY

DOCKET NO.: 216272US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Mats LEIJON, et al

SERIAL NUMBER: 09/926,608

FILED: 26 November 2001

FOR: A WIND POWER PLANT AND A METHOD FOR CONTROL

RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

ASSISTANT COMMISSIONER FOR PATENTS & TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated **January 15, 2002**, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration.

The required surcharge was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$-0.00- is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Attorney of Record
Registration No. 25,599
Surinder Sachar
Registration No. 34,423



22850

(703) 413-3000

Bradley D. Lytle 5/11/02
BRADLEY D. LYCLE
REGISTRATION NO. 40,073

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/926,608	Mats Leijon	216272US 6 XPC
ET		
INTERNATIONAL APPLICATION NO.		
PCT/SE99/00944		
I.A. FILING DATE		PRIORITY DATE
		05/28/1999
CONFIRMATION NO. 6438		
371 FORMALITIES LETTER		
 OC000000007302787		

Date Mailed: 01/15/2002

Decl. Due. 3-15-02

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination

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JAN 23 2002

OBLOON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/926,608	PCT/SE99/00944	216272US



502 Rec'd PCT/PTO 10 MAY 2002



Docket No.: 216272US-6X PCT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/926,608
Applicants: MATS LEIJON ET AL
Filing Date: NOVEMBER 26, 2001
For: A WIND POWER PLANT AND A METHOD FOR
CONTROL
Group Art Unit: UNASSIGNED
Examiner: UNASSIGNED

ATTORNEYS AT LAW

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO COMMUNICATION

COPY OF COMMUNICATION MAILED APRIL 23, 2002

COPY OF DATE-STAMPED FILING RECEIPT DATED MARCH 8, 2002

COPY OF RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371

COPY OF EXECUTED DECLARATION AND POWER OF ATTORNEY

COPY OF NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371

IDS/PTO 1449 (27 PAGES)/INTERNATIONAL SEARCH REPORT

COPY OF PETITION DECISION PAPER NO. 11

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073
Thomas J. Fisher
Registration No. 44,681



22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)